

05-10-04

9200/1645
Box 508

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jorn Bullerdiek et al.)	
)	Group Art Unit: N/A
Serial No.:	09/890,684)	
)	Examiner: N/A
Filed:	August 3, 2001)	
)	
For:	Preparation for the Prevention)	
	And/or Treatment of a Tissue)	
	Change of Mesenchymal)	
	Origin)	

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a)

A Notice of Abandonment was mailed in the above-identified application on April 26, 2004 (Exhibit A).

A Notification to Comply with Requirements For Patent Applications containing Nucleotide and/or Amino Acid Sequence Disclosures was mailed on the above-identified application on September 15, 2003 (hereinafter referred to as the "Notice"). The Notice stated that the computer readable form of the sequence listing was found to be damaged and/or unreadable. A substitute computer readable form was requested. The Notice provided a period of two months from the mailing date to file a response (i.e. to November 15, 2003).

On Monday, November 17, 2003 (November 15, 2003 was a Saturday), the undersigned attorney sent, via first class mail to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, a substitute computer readable form of the sequence listing and a statement by Armin K. Bohmann stating that the contents of the paper or compact disc and computer readable form were the same and involved no new matter. A return stamped-self addressed post card, listing these items was included and stamped by the US PTO as being received on November 20, 2003 (see Exhibit B).

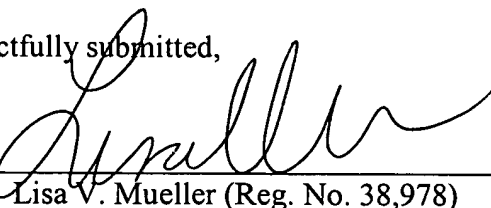
The undersigned attorney submits that a Response to the Notice was timely filed and that the holding of abandonment is in error should be removed. Also, because the substitute computer readable form of the sequence listing has apparently been lost by the US PTO, the undersigned attorney herein submits a copy of the sequence listing filed on November 17, 2003.

The undersigned attorney submits that this Petition for the Removal of a Holding of Abandonment Under 37 CFR 1.181(a) has been timely filed (i.e., less than two (2) months after the mailing date of the Notice of Abandonment).

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By




Lisa V. Mueller (Reg. No. 38,978)
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, Illinois 60661
(312) 876-1800

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail with Express Mail No: EV 348841303 US in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 6, 2004.


Aidah Abdallah

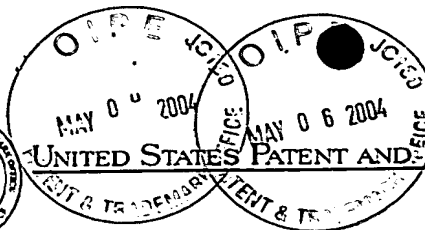


EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BOH6278P0010UE

U.S. APPLICATION NUMBER NO. 09/890,684	FIRST NAMED APPLICANT Jorn Bullerdick	ATTY. DOCKET NO. BOH6277P0001
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INTERNATIONAL APPLICATION NO. PCT/DE00/00364

I.A. FILING DATE 02/04/2000	PRIORITY DATE 02/04/1999
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32116
 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
 500 W. MADISON STREET
 SUITE 3800
 CHICAGO, IL 60661

RECEIVED
 APR 30 2004

WOOD, PHILLIPS, ET AL

CONFIRMATION NO. 6746

371
 ABANDONMENT/TERMINATION
 LETTER



OC000000012443466

Date Mailed: 04/26/2004

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 09/15/2003 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 305-2936

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant:	Jorn Bullerdiek et al.)	
)	Group Art Unit: N/A
Serial No.:	09/890,684)	
)	Examiner: N/A
Filed:	August 3, 2001)	
)	
For:	Preparation for the Prevention)	
	And/or Treatment of a Tissue)	
	Change of Mesenchymal)	
	Origin)	

Mail Stop Missing Parts
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**Response to Notification to Comply with Requirements for Patent Applications
Containing Nucleotide and/or Amino Acid Sequence Disclosures**

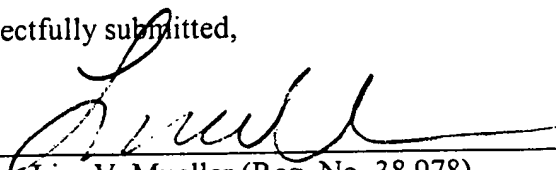
In response to the Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed on September 15, 2003 in connection with the above-identified application, Applicants herewith enclose:

- (a) A substitute computer readable form (CRF) of the "Sequence Listing" (corrected); and
- (b) A statement by Armin K. Bohmann that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR Sections 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

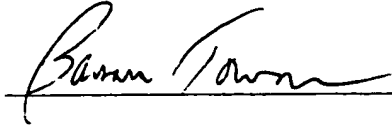
By


Lisa V. Mueller (Reg. No. 38,978)
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, Illinois 60661
(312) 876-1800

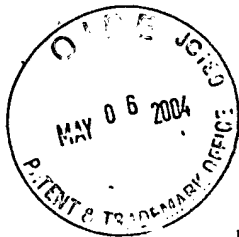
Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 17, 2003.



F:\Transfer\Bilder\Kam\Aasch\U\Patent\USPTO\B01B\2781\401015 Response to Notification etc.doc





BOHMANN & LOOSEN

Anwaltssozietät

US Serial No. 09/890,684
Our ref.: B 10007 US

Statement

It is herewith declared that the content of the sequence listing in the paper format or computer readable format are the same and do not involve any new matter.

Additionally, it is declared that the information recorded on the data carrier is identical to the written sequence listing forwarded herewith.

Munich, November 14, 2003

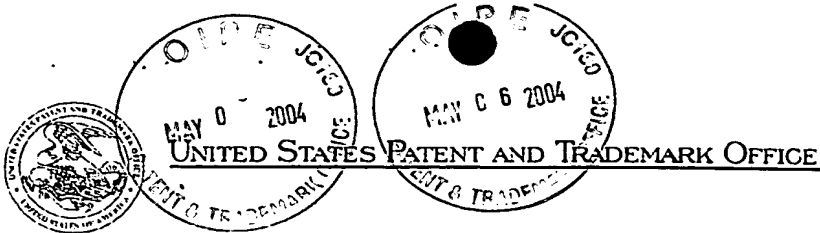
BOHMANN & LOOSEN

A handwritten signature in black ink, appearing to read "Armin K. Bohmann".

Armin K. Bohmann

Enclosure:

Sequence listing in paper format
Disk with sequence listing



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890,684	Jorn Bullerdiek	BOH6277P0001

32116
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

RECEIVED
SEP 19 2003

WOOD, PHILLIPS

Date Mailed: 09/15/2003

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 305-2936

PART 1 - ATTORNEY/APPLICANT COPY

U S APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/890,684	PCT/DE00/00364	BOH6277P0001

FORM PCT/DO/EO/922 (371 Formalities Notice)



THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND
PLACE SAME IN THE OUT-GOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED

BOH6278P0010US
LVM/bjt

TRANSMITTAL OF DOCUMENTS

- 1) Response to Notification to Comply with Requirements and Certificate of Mailing;
- 2) A Substitute computer readable form (CRF) of the "Sequence Listing";
- 3) An executed statement by Armin K Bohmann; and
- 4) This return postcard for:

U.S. Patent Application Serial No. 09/890,684
Inventor: Bullerdick et al.
Filed: 08/03/01



November 17, 2003

DT14 Rec'd PCT/PTO 20 NOV 2003

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER



GAU 1645

S/N 09/890,684

Date: 05-11-04

To: Group Directors/HSAEs

From: Office of Initial Patent Examination

Subject: Miscellaneous Papers

The attached papers belong in files that are housed at the warehouse. **PLEASE do not send any papers to the warehouse or to our office for processing**, but request the files from the warehouse and take the appropriate action.

Thank You,

OIPE